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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/900,254	07/25/1997	PETER PFEUFFER	22750/350	7919
26646	7590	03/09/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			YAO, SAMCHUAN CUA	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/900,254

Applicant(s)

PFEUFFER, PETER

Examiner

Sam Chuan C. Yao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite, because it is unclear whether there is any relationship between the newly added limitation "*cold calender roll*" and the limitation "*non-heated profiled calender rolls*". Is the cold calender roll different from the non-heated calender rolls? If so, how does a single calender roll operate? Moreover, does claim 1 now require 3 rolls, 1 cold calender roll and a pair of non-heated profiled calender rolls? If they are related, does the claim now require single profiled calender roll being cooled with a coolant instead of a pair of unheated profiled rolls?

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 4,496,583) in view of Narou (US 4,876,007) and Norton (US

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2,862,542) for reasons of record set forth in an Examiner's Answer in Paper No. 24, and further in view of (Thornton et al (US 4,772,443), Frank (US 5,492,580), DE 4024053 A1, and Gooden (US 3,616,167) for reasons of record set forth on 09-17-03 numbered paragraph 2.

As for the added limitation ("*with a cold calender roll*"), as repeatedly noted in various prior office actions, it is a common practice in diverse fields of art to preheat a fibrous web having binder fibers and then to consolidate the web using a pair of unheated/cold calender rollers. As also repeatedly noted in prior office actions, **absent any showing of unexpected benefit**, a preference on whether to a) activate the undrawn (i.e. binder) fibers in a fiber web by pre-heating the web and then configuring the web using heated/unheated/cold profiled rolls, **or b)** simultaneously, activate the undrawn (i.e. binder) fibers in a fiber web and configure the web using heated profiled rolls is taken to be well within the purview of choice in the art. There is none, but only the expected result, of heat-activating undrawn (i.e. binder) fibers in a fiber web and shape-bonding the web, would have been achieved in performing process choice "a" or "b".

### ***Response to Arguments***

5. Applicant's arguments filed on 12-08-03 have been fully considered but they are not persuasive.

In response to Counsel's argument on page 4 regarding the present invention does not require a finished filter medium being heated again, as noted in the prior office action, the process taught by Yamamoto et al (examples 13-14) does not

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heat a fiber web after it has been subjected to a calendering operation. There is no reason to reheat a resultant filter medium in the modified process (i.e. unheated/cold profiled rolls) of Yamamoto et al. In fact, the modified process of Yamamoto et al teaches away from reheating a finished filter medium (especially at a temperature greater than the softening point of undrawn (i.e. binder) fibers), because it would loosen the inter-fibers bonding in the finished filter medium, which would result in an unwanted disfiguration of the finished filter medium. As for Counsel's argument on page 5 regarding Yamamoto et al using heated calender rolls, Examiner agrees. However, it would have been obvious in the art to preheat a fibers web to activate undrawn (i.e. binder) fibers in a fiber web and then to configure the web using a pair of unheated/cold profiled calender rolls for reasons of record. As noted in a prior office action, it is not critical whether heating operation is performed before and/or during a compression operation using profiled rolls, and whether heated or unheated/cold profiled rollers are used. What is important is to ensure that, undrawn (i.e. binder) fibers in a fiber web are heated to a temperature of at least (preferably above) a softening temperature of the undrawn fibers to make them tacky, so that the fibers in the web can effectively shape-bonded together into a desired configuration.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sam Chuan C. Yao  
Primary Examiner  
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Scy  
03-04-04